



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO

9.C (NCR-LPD)

October 22, 2013

Mr. Phil Shannon
MuckRock News
DEPT MR 6715
P.O. Box 55819
Boston, Massachusetts 02205-5819

Dear Mr. Shannon,

This letter is in response to your Freedom of Information Act (FOIA) request to npsfoia@nps.gov on September 12, 2013, that was referred to the National Capital Region's (NCR) FOIA Office on September 23, 2013, for "all documents related to Permit #13-1563 which was requested by a group called the '2 Million Bikers to DC'". You indicate that this permit request was for a non stop bike ride that was to take place in and around the National Mall on September 11th, 2013. Your FOIA request also seeks "all email correspondence, documents, spreadsheets, call transcripts, meeting transcripts and minutes, etc. related to this permit request" and "all information available for the Conference Call of Sep 5th, 2013 (from 12pm to 1pm), organized by Sheila Gotha, which was hosted in the "Permits Management Office -900 Ohio Dr, SW / NPS-NAMA Annex 2 Large Conference Room".

This is the response of the NCR, which consulted with the National Mall and Memorial Parks and the National Capital Region Permits Office. The FOIA, 5 U.S.C. § 552, generally provides that the Government shall make documents available to the public for inspection and copying to the widest extent possible. However, certain classes of documents may be exempt. The FOIA does not require that new records be created in response to a request and only applies to records in existence at the time the request is received. Additionally, because the NPS creates and maintains law enforcement records, we are required by the Department of Justice to provide the following information, even though it may or may not apply to your specific request. Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that we are required to give all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This letter comprises our final response to your FOIA request dated September 12, 2013. We have conducted a comprehensive search for records responsive to your request. We have located

23 pages of responsive documents. Of these, 16 pages are released in their entirety. Seven pages are being redacted pursuant to 5 U.S.C. § 552(b)(6), regarding information about individuals in “personnel … or similar files,” the disclosure of which “would constitute a clearly unwarranted invasion of personal privacy.”

Insofar as the cost did not exceed \$50.00, pursuant to 43 CFR § 2.49(a)(1), no fee is charged.

Pursuant to 43 CFR § 2.57 you may appeal this decision. Pursuant to 43 CFR § 2.58 your appeal must be received by no later than 30 workdays from the date of this letter. Title 43 CFR § 2.59 instructs on the topic of “How do I file an appeal?” as follows:

- (a) You must submit your appeal in writing, i.e., by mail, fax or e-mail, to the FOIA Appeals Officer, U.S. Department of the Interior at 1849 C Street, N.W., Mail Stop 6556-MIB, Washington, D.C. 20240, foia.appeals@sol.doi.gov. Failure to send your appeal directly to the FOIA Appeals Officer may delay processing.
- (b)(1) You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including your request and the bureau's response (if there is one).
- (b)(2) You must provide an explanation of why you believe the bureau's response was in error.
- (c) Your appeal should include your name and daytime telephone number (or the name and telephone number of an appropriate contact), e-mail address and fax number (if available), and in case the Department needs additional information or clarification of your appeal.
- (d) If you file an appeal concerning a fee waiver denial or a denial of expedited processing, you should also demonstrate fully how the criteria in 2.20 or 2.45 and 2.48 of this part are met.
- (e) All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL."
- (f) The Department will reject an appeal that does not attach all correspondence required by paragraph (b)(1), unless the FOIA Appeals Officer determines, in his or her sole discretion, that good cause exists to accept the defective appeal. The time limits for responding to an appeal will not begin to run until the correspondence is received.

Please provide them with any other information you may have which leads you to believe that any other requested records not located do, in fact exist, including where they might be found if the location is known to you.

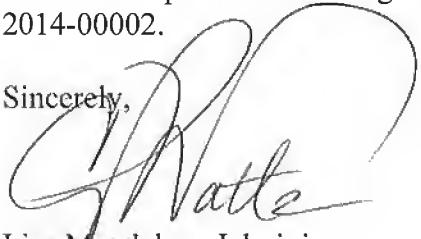
Finally, as part of the 2007 OPEN Government Act FOIA Amendments, now codified at 5 U.S.C. § 552(h)(1)(3), the Office of Government Information Services (OGIS) was created to

offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. (OGIS does not have the authority to handle requests made under the Privacy Act of 1974.) Using OGIS mediation services does not affect your FOIA litigation rights. You may contact OGIS in any of the following ways: (1) by mail at Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; (2) e-mail at ogis@nara.gov; (3) by Telephone: 301-837-1996; (4) Facsimile: 301-837-0348; (5) Toll-free: 1-877-684-6448.

Pursuant to 43 CFR § 2.24(b)(4) Randolph J. Myers, Senior Attorney, Office of the Solicitor, U.S. Department of the Interior was consulted regarding this decision.

We appreciate your interest in the National Park Service. If you have any questions concerning our response, please contact Acting FOIA Officer, Christopher Watts, at (202) 619-7485. In all future correspondence relating to this request, please refer to FOIA internal control number 2014-00002.

Sincerely,



Lisa Mendelson-Ielmini

Deputy Director, National Capital Region

Enclosures